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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,372	02/21/2002	Christian Kraft	367.41185X00	5016

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BANNER & WITCOFF
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SUITE 1100
WASHINGTON, DC 20001

EXAMINER

PAPPAS, PETER

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<p align="center">Office Action Summary</p>	Application No. 10/078,372	Applicant(s) KRAFT ET AL	
	Examiner Peter-Anthony Pappas	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8, 12, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) in view of Kalra et al. (U.S. Patent No. 5, 953, 506).

3. In regard to claim 1 Wells et al. teaches a method for operating a wireless user terminal or mobile station (wireless handheld communication device), such as a cellular telephone (column 1, lines 52-67; column 2, lines 1-5), to selectively display a plurality of graphical information sequences (images which represent an animation) on a display of the wireless user terminal or mobile station (column 2, lines 13-25). Wells et al. teaches that the parameter *animation_parameter* is able to be passed to a given animation at run-time, in which the content of said parameter influences (edits) the final animation which is to be generated. For example, text characters used in an animation can be passed to the animation in an *animation_parameter* (column 5, lines 35-38; Figs. 3A-B). When refreshed a current animation scene or frame is replaced by a next consecutive frame or scene (column 4, lines 38-42). An animation is comprised of X number of discrete images displayed at intervals of Y ms, which are selectable or fixed values (column 9, lines 61-64). Well et al. further teaches that an alerting animation can

include a predetermined audio alerting indicator, such as a musical tone (column 9, lines 40-42).

Wells et al. fails to explicitly teach altering the display resolution of the animation generated by said wireless handheld communication device. Kalra et al. teaches that an object of the present invention is to provide a method and apparatus for reproducing sounds and/or images with a resolution that is optimized to the capabilities of the client computer that is decoding previously encoded sounds and/or images (column 1, lines 66-67; column 2, lines 1-3). A profile can be further adapted to increase the resolution of certain characteristics, such as sound, at the expense of other characteristics, such as video (column 2, lines 46-49). Each media stream in the adaptive stream system according to the present invention is individually scalable as has been previously described. Thus, an application can modify the content it receives from the server as well as what part of this content it has to process to match the bandwidth and computational resources available to it (column 26, lines 49-54).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Kalra et al. into the method taught by Wells et al., because through such incorporation it would allow for said animation to be displayed at a resolution optimized to the capabilities of said mobile station (client computer), thus displaying said animation under the best available conditions while also allowing for said user to increase the quality of said animation, i.e. visually, if they choose to sacrifice the quality for another property of said animation, i.e. such as said musical tone.

4. In regard to claim 5 the rationale disclosed in the rejection of claim 1 is incorporated herein (Kalra et al. – column 1, lines 66-67; column 2, lines 1-3).
5. In regard to claim 8 the rationale disclosed in the rejection of claim 1 is incorporated herein.
6. In regard to claim 12 the rationale disclosed in the rejection of claim 5 is incorporated herein.
7. In regard to claims 15 the rationale disclosed in the rejection of claim 1 is incorporated herein (Wells et al. – column 1, lines 52-67; column 2, lines 1-5).
8. In regard to claims 16 the rationale disclosed in the rejection of claim 1 is incorporated herein (Wells et al. – column 1, lines 52-67; column 2, lines 1-5).
9. In regard to claim 19 the rationale disclosed in the rejection of claim 1 is incorporated herein. Wells et al. further teaches a computer program product stored on a storage medium for execution by a processor for implementing said method (column 3, lines 17-21, 43-59).
10. Claims 2, 6, 7, 9, 12-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683) and Kalra et al. (U.S. Patent No. 5, 953, 506), as applied to claims 1, 5, 8, 12, 15, 16 and 19, in view of Hawkins et al. (U.S. Patent No. 6, 516, 202 B1), and further in view of the GIF Construction Set Professional Manual, referred to herein as GCSPM, and the GIF Construction Set Professional Homepage, referred to herein as GCSPH. It is noted GCSPM includes references to "Introductory and Tutorial" and "Reference", which are considered part of said GCSPM.

11. In regard to claim 2 Wells et al. fails to explicitly teach the number of times the display of the sequence of images is to be repeated is set by the user of a handheld communications device. Hawkins et al. teaches an organizer, which runs the Palm OS, with a cellular component that allows said organizer to be coupled to a plurality of telephones for different frequencies/standards (column 2, lines 19-38). GCSPM teaches an animation software application that has a loop command, which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of times said animation will loop (Reference, p. 34; Introductory Tutorial, p. 4).

Official Notice is taken that both the concept and the advantages of recognizing the need for additional processing resources, such as processing power, memory storage and display space, for cellular devices because typical cellular devices are considered limited in terms of hardware to the extent in which animation modification, storage and display can be performed via such a device are well known and expected in the art. Official Notice is taken that both the concept and the advantages of utilizing a typical organizer, such as one running the Palm OS, to provide greater processing, storage and display resources over that of typical cellular devices are well known and expected in the art. Official Notice is taken that both the concept and advantages of installing and executing a plurality of applications on a typical organizer, such as one running the Palm OS, in which said applications mimic or completely replicate those applications utilized by a conventional desktop machines are well known and expected in the art.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize an organizer with a cellular component, as taught by Hawkins et al., as a means by which to attain said additional resources for the modification, storage and display of animation, because an organizer with a cellular component would provide the required additional resources in regards to processing power, memory storage and display space, thus allowing for a more robust user experience. Additionally, the incorporation of a cellular component would allow for the teachings of Well et al. to be fully implemented in said improved apparatus.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate additional conventional animation functions into the apparatus as taught by Hawkins et al., specifically in regards to modifying, storing and displaying animation, such as those conventional animation functions taught by GCSPM, because the restrictions imposed by a typical cellular device utilizing animation functions, as taught by Well et al., would be able to be overcome and thus would allow for a more advanced and complete animation experience than with the restrictions previously imposed.

12. In regard to claim 6 Wells et al. and Kalra et al. fail to explicitly teach wherein the user controls the resizing of only one of the images and the handheld communication device automatically resizes the remaining images.

GCSPM teaches that part or all of a given animation sequence, comprised of images, can be rotated, cropped, color-adjusted or resized (Homepage, p. 3). The Resize function allows for the modification of the size of one or more images in a GIF

file (animation). This function only affects the selected blocks in the current document window. To apply it to all the blocks in a GIF file, click on the green "Tag All" button (Reference, p. 15, 30-31). It is noted that cropping is considered a form of resizing. GCSPM fails to explicitly teach resizing the images into a display size being specific for an application in the handheld communication device in which the animation has to be used.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to crop or resize images of a given animation, which when combined form a completed animation, respective to a desired display size for a given display device, because through such modifications better resolution of a given area of interest could be achieved thus enhancing the view ability of said animation when displayed on said display device in which part of said animation would not off screen or otherwise incomplete.

13. In regard to claim 7 the rationale disclosed in the rejection of claim 6 is incorporated herein.

14. In regard to claim 9 the rationale disclosed in the rejection of claim 2 is incorporated herein.

15. In regard to claim 13 the rationale disclosed in the rejection of claim 6 is incorporated herein. GCSPH teaches that animation operations are performed in a (picture viewer) window (Homepage, p. 3, Fig. 1).

16. In regard to claim 14 the rationale disclosed in the rejection of claim 7 is incorporated herein. GCSPH teaches that animation operations are performed in a (picture viewer) window (Homepage, p. 3, Fig. 1).

17. In regard to claim 17 Wells et al. teaches a user interface includes a conventional earphone or speaker 17, a conventional microphone 19, a display 20, and a user input device, typically a keypad 22, all of which are coupled to the controller 18 (column 3, lines 25-28). In regards to the speeding up and the slowing down of an animation (interval between animation images) the rationale disclosed in the rejection of claim 1 is incorporated herein. Additionally, GCSPM teaches a delay option which is defined as the number of hundredths of a second between images in an animation (Reference, p. 34). In regard to a loop setting the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regard to resizing the rationale disclosed in the rejection of claim 6 is incorporated herein. It is noted GCSPM does not place a restrictions on the size of a given cropping rectangle (Reference, p. 15, 30-31).

Official Notice is taken that both the concept and advantages of cropping on a pixel by pixel basis, wherein for exmaple even a single pixel may be cropped, are well known and expected in the art. It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the ability for single pixel cropping, because through such incorporation one would be able to achieve greater flexiblty and percision in terms of editing (cropping) a given image to match a desirect objective.

GCSPM teaches plain text blocks include text which is displayed as part of your animation (Reference, p. 20). It is noted that each text or image elements added to a given animation is considered a block and that the movement and final arrangement of said blocks dictate the direction of the animation composed of said elements. It is also noted previously taught functions from the GCSPM are considered to have a corresponding menu dialog in the application.

In regard to optimizing display resolution the rationale disclosed in the rejection of claim 1 is incorporated herein.

18. In regard to claims 18 the rationale disclosed in the rejection of claim 17 is incorporated herein (Wells et al. – column 1, lines 52-67; column 2, lines 1-5).

19. Claims 3, 4, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), Kalra et al. (U.S. Patent No. 5, 953, 506), Hawkins et al. (U.S. Patent No. 6, 516, 202 B1), GCSPM and GCSPH, as applied to claims 2, 6, 7, 9, 12-14, 17 and 18, in view of applicant's admitted prior art, referred to herein as AAPA.

20. In regard to claim 3 Wells et al., Kalra et al., Hawkins et al., GCSPM and GCPH fail to explicitly disclose that if said number of times the display of the sequence of images is to be repeated exceeds said predetermined number, the handheld communication device only repeat the display sequence said predetermined number of times. However, as disclosed in rejection of claim 2 GCSPM does teach an animation software application that has a loop command, which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of

times said animation will loop (Reference, p. 34; Introductory Tutorial, p. 4). AAPA teaches a looping parameter specified by NETSCAPE 2.0, wherein a maximum 50 loops for a given animation are displayed (Specification, p. 8, Table 2).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate a means by which to interrupt the repetition of play of a given animation, as taught by AAPA, into the system taught by Wells et al., Hawkins et al., GCSPM and GCPH, which teaches setting a number of times said animation will loop, because through such incorporation it would allow for greater control over said animation (i.e. when to terminate said animation) and said control would be dictated by the software running said animation and not by the animation itself, thus allowing for said animation to loop infinitely or a limited number of times, all without having to have the animation itself changed accordingly.

21. In regard to claim 4 Well et al. teaches the next time the user activates the Keyguard feature, the selected animation is automatically invoked, started and run by the controller 18 (column 8, lines 14-16).

22. In regard to claim 10 the rationale disclosed in the rejection of claim 3 is incorporated herein.

23. In regard to claim 11 the rationale disclosed in the rejection of claim 4 is incorporated herein.

Response to Arguments

24. The prior 35 U.S.C. 101 and 35 U.S.C. 112 second paragraph rejections have been withdrawn in lieu of Applicant's remarks.

25. The prior claim objections have been withdrawn in lieu of Applicant's remarks.

26. In response to Applicant's remarks that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., optimization technique; optimization of display resolution) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

27. In response to Applicant's remarks that there is no indication that the wireless handheld communication device or users of such a device may edit any images or animation contained in the received data streams it is noted that Kalra et al. teaches that each media stream in the adaptive stream system according to the present invention is individually scalable as has been previously described. Thus, an application can modify the content it receives from the server as well as what part of this content it has to process to match the bandwidth and computational resources available to it (column 26, lines 49-54).

It is noted that the teachings of Karla et al. were introduced to teach a method and apparatus for reproducing sounds and/or images with a resolution that is optimized to the capabilities of a given computer (column 1, lines 66-67; column 2, lines 1-3). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

28. In response to Applicant's remarks that nowhere in GCSPM is there any reference to a cellular phone it is noted that GCSPM was not introduced to teach said limitation. Said limitation is addressed by Wells et al. and Hawkins et al. Applicant is directed to the respective rejections above.

29. Applicant's remarks have been fully considered, but are deemed not persuasive.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

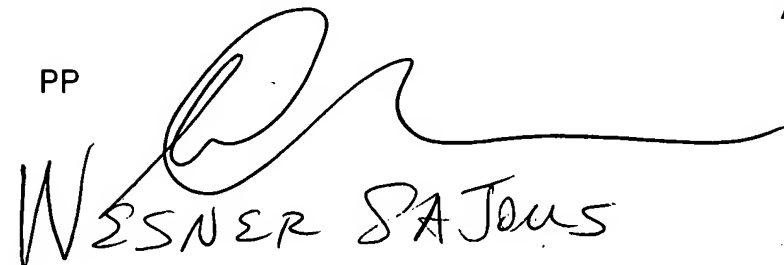
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter-Anthony Pappas
Examiner
Art Unit 2628

PP


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